

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 4173

YOEUN YOEUTH
P.O. Box 693372
Stockton, CA 95269

Pharmacy Technician Registration No. TCH
54814

Respondent.

DECISION AND ORDER

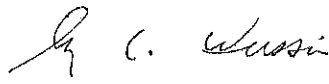
The attached Stipulated Settlement and Disciplinary and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on September 14, 2012.

It is so ORDERED on August 15, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
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6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4173

13 **YOEUN YOEUTH**
14 **P.O. Box 693372**
Stockton, CA 95269
Pharmacy Technician License No. TCH
54814

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
20 She brought this action solely in her official capacity and is represented in this matter by Kamala
21 D. Harris, Attorney General of the State of California, by Elena L. Almanzo, Deputy Attorney
22 General.

23 2. Yoeun Yoeuth (Respondent) is representing herself in this proceeding and has chosen
24 not to exercise her right to be represented by counsel.

25 3. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician
26 License No. TCH 54814 to Yoeun Yoeuth (Respondent). The Pharmacy Technician License was
27 in full force and effect at all times relevant to the charges brought in Accusation No. 4173 and
28 will expire on October 31, 2013, unless renewed.

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1 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
2 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
3 communicate directly with the Board regarding this stipulation and surrender, without notice to or
4 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
5 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
6 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
7 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
8 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
9 be disqualified from further action by having considered this matter.

10 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
11 License and Order, including facsimile signatures thereto, shall have the same force and effect as
12 the originals.

13 12. This Stipulated Surrender of License and Order is intended by the parties to be an
14 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
15 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
16 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
17 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
18 executed by an authorized representative of each of the parties.

19 13. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following Order:

21 **ORDER**

22 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 54814, issued to
23 Respondent Yoeun Yoeuth, is surrendered and accepted by the Board of Pharmacy.

24 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of
25 the surrendered license by the Board shall constitute the imposition of discipline against
26 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
27 Respondent's license history with the Board of Pharmacy.
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1 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
2 as of the effective date of the Board's Decision and Order.

3 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
4 issued, her wall certificate on or before the effective date of the Decision and Order.

5 4. Respondent may not apply for licensure for a period of three years from the effective
6 date of the decision.

7 5. If she ever applies for licensure or petitions for reinstatement in the State of
8 California, the Board shall treat it as a new application for licensure. Respondent must comply
9 with all the laws, regulations and procedures for licensure in effect at the time the application or
10 petition is filed, and all of the charges and allegations contained in Accusation No. 4173 shall be
11 deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.


13 6. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$935.00 prior to issuance of a new or reinstated license.

15 7. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 4173 shall be deemed
18 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
19 other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4-24-12


YOEUN YOEUTH
Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 5/1/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4173

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
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11 **STATE OF CALIFORNIA**

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P.O. Box 693372
Stockton, CA 95269

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
15 **54814**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 54814 to Yoeun Yoeuth (Respondent). The Pharmacy Technician License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 October 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states in pertinent part:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

5. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

"(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a

violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued..

8. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13).

FIRST CAUSE FOR DISCIPLINE (Conviction of a Crime)

9. Respondent is subject to disciplinary action under section 4300 in conjunction with 4301 (j) (k) and (l) and 490, in that on or about April 23, 2008, *The State of Wyoming v. Youen Yoeuth*, in the District Court, Second Judicial District, State of Wyoming; Case No. 6304,

Respondent pled guilty to the felony of Conspiracy to Deliver a Controlled Substance to wit: marijuana, in violation of W.S. 35-7-1042, 35-7-1031 (a) (ii), a crime substantially related to the practice of a pharmacy technician. Respondent was sentenced to time served and was placed on three years supervised probation.

The circumstances were that on or about November 3, 2007, respondent was a passenger in a car stopped by Wyoming Highway patrol and 39 pounds of marijuana was discovered in the trunk of the car.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

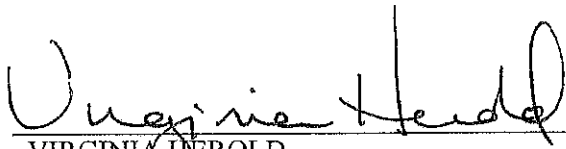
10. Respondent is subject to disciplinary action under section 4301 (j) and (o) in that she violated laws pertaining to the regulation of marijuana as set forth more specifically above in paragraph 8.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician License Number TCH 54814, issued to Yoeun Yoeuth.;
2. Ordering Yoeun Yoeuth to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/1/12


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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Respondent.

DECISION AND ORDER

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This Decision shall become effective on _____.

It is so ORDERED _____.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

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"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

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16 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
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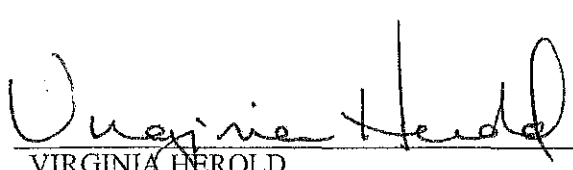
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